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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL LAR,

Defendant.

Case No. CR96-5529  
CR96-5583

ORDER GRANTING MOTION TO  
REDUCE RESTITUTION

This matter comes before the Court on Defendant's motion to reduce restitution. The Court, having reviewed the pleadings and record herein, is fully informed and hereby grants the motion pursuant to 18 U.S.C. § 3583(e) for the reasons stated herein.

**Introduction and Background**

The Defendant Michael Lar was convicted of committing several armed bank robberies. On August 31, 2001, in each of the above-captioned cause numbers, the court entered a Judgment and Sentence which included an order of restitution requiring the Defendant to make restitution to several victim banks in the amount of \$78,296. The court also imposed restitution as an additional

1 term of supervised release.

2 The Defendant subsequently negotiated with First Community Bank and JP Morgan Chase  
3 to accept a lump sum payment in full satisfaction of his respective restitution obligations.

4 Defendant now moves the Court to enter an order reducing the amounts owed to those two banking  
5 institutions to reflect the satisfaction of his restitution obligations, and thus discharging his financial  
6 obligations to the banks.

### 7 **Judgement and Sentence**

8 A sentence that imposes an order of restitution is a final judgment notwithstanding the fact  
9 that such a sentence can subsequently be corrected, appealed and modified, amended, adjusted, or  
10 the defendant may be resentenced pursuant to relevant statutory provisions. 18 U.S.C. § 3664(o).  
11 There exist no statute or Criminal Rule that permits the court to modify the judgment to reduce the  
12 amount of restitution.

### 13 **Modification of Conditions of Supervised Release**

14 The court, in imposing a sentence of imprisonment, may include as a part of the sentence a  
15 requirement that the defendant be placed on a term of supervised release on conditions determined  
16 by the court to be appropriate, including payment of restitution. 18 U.S.C. § 3583(a). Inherent in  
17 the authority to impose supervised release is the power to modify the conditions of supervised  
18 release at any time prior to end of the term to reflect changed circumstances. 18 U.S.C. § 3583(e).  
19 Therefore, the court has jurisdiction to modify the conditions of supervised release by reducing the  
20 amount of restitution.

21 Here, the Court is presented with a *fait accompli* in which the financial institutions have  
22 accepted a lump sum payment to satisfy a condition of supervised release, i.e. restitution. Under  
23 these circumstances, the Court will exercise its discretion and grant the motion to modify restitution  
24 to reflect the settlement of the financial obligation.


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ACCORDINGLY;

IT IS ORDERED:

Defendant's Motion to Reduce Restitution [Dkt. # 32 and 34] is **GRANTED**. The conditions of Defendant's supervised release are amended to reduce the amount of restitution owing to the amount of the settlement agreement of the victim banking institutions.

DATED this 9<sup>th</sup> day of December, 2009.

A handwritten signature in black ink, appearing to read 'Franklin D. Burgess', is written over a horizontal line.

FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE